IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.4629 OF 2005

Raghunath Suryakant Jadhav ...Applicant
Vs.
The State of Maharashtra ...Respondent

Mr. M.S.Mohite i/by Mr. T.E.Mane for the Applicant.
Mr. K.V.Saste, A.P.P. for the Respondent.

CORAM : A.S.OKA, J.
DATED : AUGUST 02, 2005.

P.C.:

1. The Advocate for the Applicant and the learned A.P.P. were heard yesterday. The Application was adjourned till today to enable the learned A.P.P. to ascertain whether there are any criminal antecedents of the Applicant.

2. Offence has been registered against the Applicant under sections 376, 363, 366 read with section 34 of the Indian Penal Code. The prima facie evidence on record shows that the date of birth of the prosecutrix is 27th August, 1988. Therefore, on the date of commission of offence she had already completed age of sixteen years. The first informant is the mother of the prosecutrix. The statement of the prosecutrix discloses that the Applicant is an auto rickshaw driver and was known to the prosecutrix for last four to five years. It is stated that the Applicant used to drop the prosecutrix to her college by his auto rickshaw. The prosecutrix has stated that on 21st February, 2005 marriage was solemnised between the Applicant and herself in a temple at Tuljapur.

Thereafter, the Applicant and the prosecutrix stayed together at the house of one Usha Baber.

3. The investigation is completed long back and chargesheet has been filed. Even the first informant has disclosed date of birth of the prosecutrix as 27th August, 1988 and thus she was above the age of sixteen on the date of the incident. If the statement of the prosecutrix is perused, it is obvious that after the chargesheet is filed, the detention of the Applicant in custody is not required. There are no criminal antecedents brought on record. The Applicant is an auto rickshaw driver. Case is made out for grant of bail.

4. Hence, I pass the following order:

: O R D E R :

i) The Applicant shall be enlarged on bail in connection with C.R. No. 33 of 2005 of Town Police Station, Pandharpur, subject to furnishing a personal bond of Rs.15,000/- with one or two sureties in the like amount.

ii) The Bail is granted subject to condition that the Applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses

and shall not in any manner tamper with prosecution evidence.

iii) The Applicant shall co-operate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the Applicant to delay the trial may be a ground for cancellation of bail.

iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

v) Application is disposed of in the above terms.

vi) The parties to act upon an authenticated copy of this order.

JUDGE